

HOUSE BILL 24

M4
HB 813/10 – ENV

11r0813

By: **Delegate O'Donnell**
Introduced and read first time: January 13, 2011
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Sludge – Timing of Winter Application**

3 FOR the purpose of requiring the Department of Agriculture to adopt regulations
4 establishing criteria for the timing of the winter application of sludge that are
5 the same as or substantially similar to the criteria adopted for the timing of the
6 winter application of animal manure; and generally relating to the timing of the
7 winter application of sludge.

8 BY repealing and reenacting, without amendments,
9 Article – Agriculture
10 Section 8–803.1(e) and (f)
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Agriculture
15 Section 8–804(b)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Agriculture**

21 8–803.1.

22 (e) (1) By December 31, 2001, a person who, in operating a farm, uses
23 chemical fertilizer, shall have a nutrient management plan for nitrogen and
24 phosphorus that meets the requirements of this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) (i) By December 31, 2001, a person who, in operating a farm,
2 uses sludge or animal manure, shall have a nutrient management plan for nitrogen.

3 (ii) By July 1, 2004, a person who, in operating a farm, uses
4 sludge or animal manure, shall have a nutrient management plan for nitrogen and
5 phosphorus.

6 (f) (1) By December 31, 2002, a person who, in operating a farm, uses
7 chemical fertilizer, shall comply with a nutrient management plan for nitrogen and
8 phosphorus that meets the requirements of this subtitle.

9 (2) (i) By December 31, 2002, a person who, in operating a farm,
10 uses sludge or animal manure, shall comply with a nutrient management plan for
11 nitrogen that meets the requirements of this subtitle.

12 (ii) By July 1, 2005, a person who, in operating a farm, uses
13 sludge or animal manure, shall comply with a nutrient management plan for nitrogen
14 and phosphorus that meets the requirements of this subtitle.

15 8–804.

16 (b) (1) In consultation with the Nutrient Management Advisory
17 Committee, the Department shall by regulation:

18 [(1)] (I) Prescribe the criteria, form, and content for certified
19 nutrient management plans applicable to licensees and certificate holders;

20 [(2)] (II) Establish continuing education requirements for certified
21 nutrient management consultants and persons receiving vouchers of completion under
22 § 8–803.3 of this subtitle; and

23 [(3)] (III) Adopt guidelines and requirements for licensees and
24 certified nutrient management consultants on record keeping and on reporting
25 requirements to the Department on nutrient management plans.

26 (2) **REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS**
27 **SUBSECTION SHALL ESTABLISH CRITERIA FOR THE TIMING OF THE WINTER**
28 **APPLICATION OF SLUDGE THAT ARE THE SAME AS OR SUBSTANTIALLY SIMILAR**
29 **TO THE CRITERIA ADOPTED FOR THE TIMING OF THE WINTER APPLICATION OF**
30 **ANIMAL MANURE.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2011.